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### **Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1**

#### **Antigua and Barbuda**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

<i>Universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	25 Oct. 1988	Declaration Understanding (art.4)	Individual complaints (art. 14): No
CEDAW	1 Aug. 1989	None	–
OP-CEDAW	5 June 2006	None	Inquiry procedure (arts. 8 and 9): Yes
CAT	19 July 1993	None	Inter-State complaints (art. 21): No  Individual complaints (art. 22): No  Inquiry procedure (art. 20): Yes
CRC	5 Oct. 1993	None	–
OP-CRC-SC	30 April 2002	None	–

*Treaties to which Antigua and Barbuda is not a party: OP-ICESCR<sup>3</sup>, ICESCR, ICCPR, ICCPR-OP 1, ICCPR-OP 2, OP-CAT, OP-CRC-AC, ICRMW, CRPD (signature only, 2007), CRPD-OP (signature only, 2007) and CED.*

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol <sup>4</sup>	Yes
Refugees and stateless persons <sup>5</sup>	Yes, except the 1961 Convention on the Reduction of Statelessness
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>6</sup>	Yes, except Additional Protocol III, and Declaration made under article 90 of Additional Protocol I
ILO fundamental conventions <sup>7</sup>	Yes

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
UNESCO Convention against Discrimination in Education	No

1. In 2007, the Committee on the Elimination of Racial Discrimination (CERD) was confident that Antigua and Barbuda would ratify the other human rights treaties and recommended that Antigua and Barbuda accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.<sup>8</sup>
2. In 2004, the Committee on the Rights of the Child (CRC) recommended that Antigua and Barbuda ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.<sup>9</sup>
3. In 2011, UNESCO encouraged Antigua and Barbuda to ratify UNESCO Convention against Discrimination in Education (1960) and UNESCO Convention on Technical and Vocational Education (1989).<sup>10</sup>
4. In 2011, UNHCR recommended that Antigua and Barbuda accede to the 1961 Convention on the Reduction of Statelessness.<sup>11</sup>
5. CERD recommended that Antigua and Barbuda ratify the amendments to article 8, paragraph 6 of the Convention.<sup>12</sup>
6. CERD encouraged Antigua and Barbuda to consider withdrawing the declaration entered upon acceding to the Convention and urged it to consider making the optional declaration provided for in article 14.<sup>13</sup>
7. UNHCR noted that in October 1998 Antigua and Barbuda succeeded to the 1954 Convention on the Status of Stateless Persons with reservations to articles 23, 24, 25 and 31 and encouraged it to withdraw them.<sup>14</sup>

## **B. Constitutional and legislative framework**

8. CERD invited Antigua and Barbuda to bring its internal law in line with the Convention and requested it to ensure appropriate provisions in national legislation on racial discrimination.<sup>15</sup>
9. In 2011, UNICEF indicated that although Antigua and Barbuda's Constitution prohibited discrimination, the gaps protecting against all forms of discrimination were not addressed in any additional legislation.<sup>16</sup>
10. CERD encouraged Antigua and Barbuda to declare as a legally punishable offence all dissemination of ideas based on racial superiority or hatred and incitement to racial discrimination; and to declare illegal and prohibit organizations which promoted and incited racial discrimination.<sup>17</sup>
11. CRC recommended that Antigua and Barbuda continue and strengthen the legislative review in order to ensure full compliance with the Convention and particularly to amend legislation to respect and recognize the principle of respect for the views of the child within custody disputes and other legal matters.<sup>18</sup>
12. UNESCO reported that although many legal provisions guaranteed the right to education (Education Act 1973 and Act 11 of 1994), the 1981 Constitution did not include it.<sup>19</sup>
13. UNICEF noted Antigua and Barbuda's legislative review to ensure compliance with the Convention on the Rights of the Child as well as the enhancement of the rights of the

child in various legal provisions: Sexual Offence Act (1995), Domestic Violence Act (1999) and Magistrates Code of Procedure (1993) but nevertheless the legislative reform was slow.<sup>20</sup>

14. In line with CRC's recommendations of 2004, in 2007, a report of the UNICEF reported that Antigua and Barbuda implemented sexual offences legislation and noted the Child Care and Protection Act (2003), which defined a child as a person under 18; defined abuse and neglect; established a Child Care and Protection Agency; and laid down procedures for investigating and reporting abuse and neglect of a child and for licensing, registration and supervision of childcare facilities.<sup>21</sup>

15. UNHCR welcomed the Trafficking in Persons Prevention Act (2010) and commended Antigua and Barbuda's efforts to address this issue.<sup>22</sup>

16. UNHCR stated that, although Antigua and Barbuda acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, it has not passed any implementing legislation or administrative regulations on asylum or refugee status, nor established a formal national refugee status determination procedure, and recommended doing so.<sup>23</sup>

### **C. Institutional and human rights infrastructure**

17. The Office of the Ombudsman of Antigua and Barbuda was accredited with "C" status by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC) in 2001.<sup>24</sup>

18. In 2007, CERD recommended that Antigua and Barbuda establish a national human rights institution, in accordance with the Paris Principles.<sup>25</sup>

19. CRC encouraged Antigua and Barbuda to establish an independent mechanism to monitor the implementation of the Convention; to deal with children complaints in a child-sensitive and expeditious manner; and to provide remedies for children rights' violations.<sup>26</sup>

20. CRC welcomed the National Committee on the Rights of the Child (2000) to facilitate the implementation of the Convention but expressed concern at the lack of clear and well-structured coordination among the various bodies involved in coordinating and evaluating the Convention's implementation and recommended that Antigua and Barbuda establish a single inter-ministerial and inter-sectorial mechanism.<sup>27</sup>

21. UNICEF noted that although the implementation of the Convention on the Rights of the Child was addressed by the Ministry of Social Transformation and the National Implementation Committee on the Rights of the Child (NICRC), the provision of independent monitoring to the Convention's implementation was not integrated into the Ombudsman's Office.<sup>28</sup>

22. UNICEF noted the establishment of the Alliance for the well-being of Children.<sup>29</sup>

### **D. Policy measures**

23. CRC urged Antigua and Barbuda to develop and implement a comprehensive national action plan for the full implementation of the Convention. It recommended that Antigua and Barbuda prioritize budgetary allocations to ensure children rights to the maximum extent using a rights-based approach, and encouraged it to reflect and implement the principle of the best interests of the child in all policies and programmes.<sup>30</sup>

24. UNICEF stated that a National Strategic Development Plan was drafted but not finalized and that no comprehensive national action plan to implement the Convention on

the Rights of the Child existed.<sup>31</sup> However, it noted the National Policy and Regulatory Framework and National Service Standards on early childhood.<sup>32</sup>

25. CRC encouraged Antigua and Barbuda to establish a comprehensive policy for children with disabilities.<sup>33</sup>

26. UNICEF indicated that while an updated Education Policy document was to be prepared, the sector was governed by the 2008 Education Act.<sup>34</sup>

27. UNICEF reported that the development of policies was hindered by a lack of adequate national data collection system.<sup>35</sup>

28. CERD was concerned about the lack of disaggregated statistical data on the number and economic situation of persons from ethnic and national origins and invited Antigua and Barbuda to include detailed questions about ethnic and national origin in the population census.<sup>36</sup>

29. CRC recommended that Antigua and Barbuda develop a data collection and indicators' system disaggregated by gender, age and residence parishes, with specific emphasis on children who are particularly vulnerable, including children living in poverty, children with disabilities and children from single-parent families and use this information when formulating laws, policies and programmes.<sup>37</sup>

30. UNICEF noted that among national priorities, there was the Health Information System improvement to ensure health data collection, compilation, analysis, presentation, distribution and security.<sup>38</sup>

31. The Pan American Health Organization (PAHO) noted in a report of 2007 the multi-sector "Agenda for Change" (2004) that was to introduce a national health insurance plan, a disability assistance grant; tax reduction on many pharmaceutical products, a pension plan for all senior citizens, a plan on poverty eradication and improvement of the quality of life of the poor and needy; to provide equal opportunity for the physically challenged; and to deliver improved public services.<sup>39</sup>

## II. Promotion and protection of human rights on the ground

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body<sup>40</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2006	March 2007	Overdue since 2008	Combined tenth and eleventh reports overdue since 2009.
CEDAW	1994	July 1997	–	Fourth report overdue since 2002.
CAT	–	–	–	Initial report overdue since 1994.

<i>Treaty body<sup>40</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CRC	2003	October 2004	–	Combined second, third and fourth reports overdue since 2009
OP-CRC-SC	–	–	–	Initial report overdue since 2004.

32. CERD invited Antigua and Barbuda to respect the deadlines for its reports' submission.<sup>41</sup>

33. CERD recommended that Antigua and Barbuda present a core document in accordance with the common core document requirements in the harmonized guidelines on reporting.<sup>42</sup>

34. UNICEF noted that the second, third and fourth reports to the CRC and the fourth and fifth reports to the CEDAW Committee were overdue.<sup>43</sup>

## 2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	–
<i>Visits agreed upon in principle</i>	–
<i>Visits requested and not yet agreed upon</i>	–
<i>Facilitation/cooperation during missions</i>	–
<i>Follow-up to visits</i>	–
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review no communications were sent.
<i>Responses to questionnaires on thematic issues</i>	Antigua and Barbuda did not respond to any of the 24 questionnaires sent by special procedures mandate holders. <sup>44</sup>

## B. Implementation of international human rights obligations

### 1. Equality and non-discrimination

35. CERD expressed concern about the Constitutional definition of racial discrimination (article 14) as it did not include "national or ethnic origin" among the prohibited grounds of discrimination, inviting the country to include them.<sup>45</sup> CRC regretted that the grounds of discrimination mentioned in the Constitution were not in full compliance with article 2 of the Convention and that no additional legislation existed that explicitly prohibited all forms of discrimination.<sup>46</sup>

36. CRC and UNICEF were concerned that girls, children with disabilities, children living in poverty, children born out of wedlock and informally adopted children suffered from discrimination and disparities in accessing basic services.<sup>47</sup> CRC recommended that Antigua and Barbuda ensure the implementation of existing laws guaranteeing non-discrimination and adopt appropriate legislation to ensure that all children enjoyed all the rights.<sup>48</sup>

37. UNICEF reported that Antigua and Barbuda's Sexual Offences Act (1995) outlawed incest<sup>49</sup>, sharing CRC's concern that such Act did not afford the same protection to boys as it did to girls and that the offences against the Person Act protected only girl children from rape and not boys<sup>50</sup>.

38. In 2010, the ILO Committee of Experts recalled its comments concerning the lack of protection of the immigrant population against discrimination in employment and occupation and that only non-nationals with legal status benefitted from protection, and asked the Government to amend its legislation to ensure protection to all immigrant population against discrimination based on any of the grounds prohibited by Convention No.111.<sup>51</sup>

39. The ILO Committee of Experts also noted Antigua and Barbuda's statement that discrimination based on social origin was not a major issue and that it had no intention of adding the national extraction and social origin as prohibited grounds in the national legislation. The Committee asked it to explicitly refer to the grounds of national extraction and social origin in the legislation.<sup>52</sup>

40. UNICEF indicated that in Antigua and Barbuda, 1 per cent of the population (approximately 700 persons) were disabled and faced barriers to access to education, employment, housing, transport, health care, rehabilitation and recreation.<sup>53</sup>

## **2. Right to life, liberty and security of the person**

41. In 2009, the Secretary-General listed Antigua and Barbuda as de facto abolitionist country as it had not executed the death penalty since 1989 but noted its opposition to General Assembly resolutions 62/149 and 65/206 on "Moratorium on the use of the death penalty" when it voted against both resolutions in 2008 and again in 2010.<sup>54</sup>

42. In 2010, the Economic Commission for Latin America and the Caribbean (ECLAC) and the United Nations Population Fund (UNFPA) noted in a report that Antigua and Barbuda was in the process of implementing data collection protocols to address gender-based violence, particularly violence against women, by bringing together multiple data sources expected to assist in trend and causal analysis; to develop intervention programmes; and to monitor the effectiveness of violence prevention and intervention activities.<sup>55</sup>

43. In 1997, the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) was concerned about the lack of integrated measures addressing violence against women.<sup>56</sup>

44. In 2007, PAHO reported that in 2001–2005 women represented 82 per cent of all calls received to hot line services, emotional abuse being the most common complaint. In that same period, 31 sexual molestation cases were reported; 29 of the victims were of 3 to 14 years' old.<sup>57</sup>

45. CRC and UNICEF were concerned that no specific domestic laws protected children against psychological violence; that no official places of safety for child victims of abuse existed, being usually held at police stations; about the lack of adequate complaint filing mechanisms for child victims of abuse and neglect; that prosecution for abuse and neglect faced major infrastructural problems in the legal system; and that domestic legislation did not provide for mandatory reporting of suspected cases of abuse and neglect.<sup>58</sup> CRC

recommended that Antigua and Barbuda prevent child abuse and neglect, by establishing mechanisms to receive, monitor and investigate complaints in a child-sensitive manner; ensure prosecution of perpetrators of child abuse and neglect; provide physical and psychological recovery services and social reintegration to sexual abuse victims and child victims of abuse, neglect, ill-treatment, violence or exploitation; and prevent victims' criminalization and stigmatization.<sup>59</sup>

46. CRC was concerned at the low rate of prosecutions of those who sexually exploited children and the few public campaigns on sexual exploitation laws.<sup>60</sup> It noted that, given Antigua and Barbuda's reliance on commercial tourism, children's sexual exploitation should be a concern and recommended that it develop a policy addressing children's sexual exploitation, including risk factors; avoid criminalizing child victims of sexual exploitation; ensure perpetrators' prosecution; and implement preventive and victims' recovery and reintegration policies and programmes.<sup>61</sup>

47. CEDAW raised its concern about the lack of information on prostitution and trafficking of women.<sup>62</sup> UNICEF stated that neither precise data nor comprehensive study on child trafficking existed.<sup>63</sup> CRC recommended that Antigua and Barbuda undertake a study about the trafficking phenomenon, including of children.<sup>64</sup>

48. In 2011, the ILO Committee of Experts noted the shelter and services offered to victims of trafficking. It requested Antigua and Barbuda to identify those foreign victims under 18 and to ensure rehabilitation and social reintegration services to all child victims of trafficking of all nationalities.<sup>65</sup>

49. In 2009, the ILO Committee of Experts repeated that no national provisions imposing penal sanctions for the illegal exaction of forced or compulsory labour existed and hoped for the adoption of such provisions.<sup>66</sup>

50. CRC recommended that Antigua and Barbuda ensure that children engaged in lawful domestic work do not work under harmful conditions and have access to education; prevent and eliminate unlawful work; and implement child labour policies and legislation.<sup>67</sup> UNICEF stated that there was a lack of child labour policies and legislation and that preventive measures in this regard still needed to be implemented to ensure CRC's recommendations.<sup>68</sup>

51. CRC and UNICEF were concerned about the Corporal Punishment Act and the 1973 Education Act, which provided for corporal punishment; and that corporal punishment was still widely practised in the family, schools and other institutions.<sup>69</sup> CRC recommended that Antigua and Barbuda repeal or to amend both Acts; prohibit corporal punishment by law; conduct awareness-raising campaigns about the impact of children's corporal punishment, involving children and media in the process; and ensure positive, participatory, non-violent forms of discipline consistent with the child's dignity.<sup>70</sup>

52. In 2011, the ILO Committee of Experts observed as a problem the children's involvement in the drugs production and trafficking and stated that while the Misuse of Drugs Act (2008) prohibited the production, supply, possession, cultivation or trafficking of narcotics it did not prohibit the use, procuring or offering of a child under 18 for the commission of illicit activities, particularly drug-related offences, urging Antigua and Barbuda to explicitly prohibit it in legislation.<sup>71</sup>

53. In 2009, the ILO Committee of Experts referred to the Defence Act 1981 (section 12), under which an officer might resign his commission if permitted to do so by the Governor and stated that career members of the armed forces, who had voluntarily entered into an engagement, could not be denied the right to leave the service in peacetime within a reasonable period, e.g. by means of notice of reasonable length, whatever the reason for



resignation. The Committee hoped the amendment of section 12 and that legislation would be brought into full conformity with Convention No. 29.<sup>72</sup>

### **3. Administration of justice and the rule of law**

54. CERD requested that Antigua and Barbuda inform the public about all legal remedies on racial discrimination.<sup>73</sup>

55. CRC and UNICEF were concerned at the very low minimum age of criminal responsibility, set at 8; at the possibility to sentence a person under 18 to life imprisonment for murder or treason; that detainees under 18 were not separated from adults; that a juvenile (defined as a person under 16) could be tried as an adult if charged with an adult for a homicide; that a juvenile of 8 could be requested to appear before the court; that no separate facilities for persons under 18 existed, being placed in adult prisons, which were reported to be overcrowded and in poor condition; and that the Juvenile Court Act (section 7) stipulated the detention of a juvenile in "any place of safety, including a prison" if he/she is deemed to be "of such an unruly character or so depraved a character".<sup>74</sup> CRC recommended that Antigua and Barbuda review the legislation and policies to ensure the full implementation of juvenile justice standards.<sup>75</sup>

### **4. Right to privacy and family life**

56. In 2010, the Joint United Nations Programme on HIV/AIDS (UNAIDS) reported that penalties for practicing homosexual acts in Antigua and Barbuda were of 15 years.<sup>76</sup>

57. CRC expressed concern that the process to establish legal paternity of children born out of wedlock, where the biological father did not legally recognize the child, constituted an impediment to the right of the child to an identity and/or to know both parents, and recommended that Antigua and Barbuda create accessible and expeditious procedures and provide mothers with necessary legal and other assistance.<sup>77</sup> UNICEF considered the above situation also as discriminatory.<sup>78</sup>

58. CRC was concerned that no safe houses or places of alternative care existed for boys suffering from parental neglect or needing to be removed from their family environment, being generally placed in juvenile offenders' facilities. It recommended that Antigua and Barbuda review such practice and establish a Government-run institution to accommodate boys in need of care, ensuring their physical and psychological needs, including health, education and safety.<sup>79</sup>

59. UNHCR encouraged Antigua and Barbuda to analyse the compatibility between nationality legislation and birth registration practices and the international obligations of the 1954 Convention.<sup>80</sup>

### **5. Freedom of movement**

60. CERD noted that pursuant to article 8 of the Constitution, a law should not be regarded as unconstitutional merely because it restricted freedom of movement of non-citizens.<sup>81</sup>

### **6. Freedom of expression and right to participate in public and political life**

61. CERD recommended that Antigua and Barbuda ensure that all ethnic minorities have adequate opportunities to participate in all public affairs.<sup>82</sup>

62. CEDAW was concerned about the few measures taken to increase women's participation in political and public life, noting their absence in Parliament, and recommended that Antigua and Barbuda introduce temporary special measures to encourage greater women's political participation.<sup>83</sup>

63. UNICEF stated that the views of the child were not systematically respected in administrative and judicial decisions and noted the few mechanisms in school for adolescents to participate in governance activities and assume leadership positions.<sup>84</sup>

**7. Right to work and to just and favourable conditions of work**

64. CEDAW was concerned about the low level of occupation by educated women; male dominance in technical and professional fields; and women's concentration in the lower-paid service sector, including the tourist industry.<sup>85</sup>

65. In 2011, the ILO Committee of Experts noted that the minimum age for admission to employment in Antigua and Barbuda's legislation, i.e. 14 years, was not in conformity with the age specified by the country when ratifying the ILO Convention No. 138, i.e. 16 years., and urged Antigua and Barbuda to ensure the adoption of the draft Labour Code, whose section E2 was amended to define a child as a person under 16.<sup>86</sup>

66. In 2010, the ILO Committee of Experts requested to amend section 19 of the Industrial Court Act (1976), which permitted the referral of a dispute to the court by the Minister or at one party's request with the effect of prohibiting strike action.<sup>87</sup>

**8. Right to social security and to an adequate standard of living**

67. CRC expressed concern at the lack of a comprehensive, legally based and regulated social security system and recommended that Antigua and Barbuda revise and/or establish social security and family policies and strategies for using social safety net benefits to further children's rights.<sup>88</sup>

68. CRC noted that social services were under resource strain, particularly the health service, and recommended that Antigua and Barbuda improve the health infrastructure to ensure access to basic health care and services, including basic medicines for all children.<sup>89</sup>

69. UNICEF noted the high immunization level coverage and the free health services, covering all the country. However, only 51 per cent of the population was covered by health insurance.<sup>90</sup>

70. In 2007, PAHO noted in a report that the infant mortality rate decreased from 22 infant deaths per 1,000 live births in 2004 to 16 in 2005, due to improved prenatal and child care services.<sup>91</sup> CEDAW expressed concern about the high rate of perinatal mortality.<sup>92</sup>

71. CEDAW was concerned about the illegality of abortion and noted the lack of family planning education programmes; and that contraceptives were not covered by medical benefits schemes.<sup>93</sup>

72. CEDAW was concerned about the high level of teenage pregnancy.<sup>94</sup> CRC was concerned about the insufficient attention to adolescent health and recommended that Antigua and Barbuda strengthen developmental, mental and reproductive health counselling services and make them known and accessible to adolescents; incorporate reproductive health education in the school curriculum, particularly at the secondary level, inform adolescents about their reproductive health rights and the prevention of STDs, including HIV/AIDS, and early pregnancies; and support pregnant teenagers, through community structures and social security benefits.<sup>95</sup>

73. In 2007, PAHO reported that in Antigua and Barbuda the number of new AIDS cases increased from 32 in 2001 to 62 in 2005. In 2002, 1.65 per cent of the adult population was living with HIV/AIDS and, of an estimated 1,128 persons living with HIV/AIDS, 99.7 per cent were between 15–49 years old.<sup>96</sup> UNICEF noted the establishment of an AIDS Secretariat and the free of charge provision of anti-retroviral

drugs to patients with HIV/AIDS.<sup>97</sup> CEDAW reported the lack of special measures for women with HIV/AIDS.<sup>98</sup>

74. CRC remained concerned at the growing incidence of substance abuse by children and recommended that Antigua and Barbuda combat such drug and alcohol abuse through public education awareness campaigns and ensure children's access to effective structures and procedures for treatment, counselling, recovery and reintegration.<sup>99</sup>

## **9. Right to education**

75. PAHO noted in a report of 2007 that in 2005 the total adult literacy rate in Antigua and Barbuda was 88.5 per cent (88 per cent for males and 90 per cent for females).<sup>100</sup>

76. CRC remained concerned about a variety of problems in the public school system and recommended that Antigua and Barbuda, inter alia, facilitate all children's access to education by building more schools; improve the school materials' provision; increase school attendance and reduce the high dropout and repetition rates, with the children's participation.<sup>101</sup>

77. In 2010, UNICEF noted that the universal education system became operational in September 2010; that secondary school entrance examinations will no longer form the basis for allocation of limited secondary school places; and that measures related to appropriate curricula and learning environment improvements were taken.<sup>102</sup> In 2004, CRC had particularly recommended that Antigua and Barbuda abolish the entrance examination system to guarantee all students access to public secondary schools.<sup>103</sup>

78. In 2010, UNICEF reported that immigrant children now can freely access primary and secondary levels.<sup>104</sup> In 2007, CERD had noted that children of non-citizens continued to be excluded from State schools for the first two years in Antigua and Barbuda due to lack of resources; and that no mechanisms existed to ensure that no child was denied access to education, recommending that Antigua and Barbuda systematically review any exclusion and set up an independent mechanism to ensure that all children enjoyed the right to education.<sup>105</sup>

79. In 2010, UNICEF stated that the Ministry of Education has routinely facilitated teen mothers' return to school.<sup>106</sup> In 2004, CRC was concerned that pregnant teenagers did not generally continue their education and were often forced to leave school and had recommended that Antigua and Barbuda provide education opportunities for them.<sup>107</sup>

80. CEDAW was concerned about the selection by female students of stereotypical subjects and their greater exposure within the school system to domestic skills and boys to technical skills.<sup>108</sup>

81. CRC recommended that Antigua and Barbuda integrate children with disabilities into the regular educational system and into society by special training for teachers and making the physical environment (schools, sports, leisure facilities and other public areas) accessible.<sup>109</sup>

82. UNICEF indicated that sports were included in the Draft Education Policy Document (1994) as part of the education but no specific laws ensured the child's right to rest and leisure.<sup>110</sup>

## **10. Migrants, refugees and asylum-seekers**

83. CERD requested Antigua and Barbuda to analyse the reasons of immigrant groups' concentration in distinct areas of Antigua and Barbuda and to address de facto segregation.<sup>111</sup>

84. UNHCR noted gaps in Antigua and Barbuda's legislative and policy framework and that no protection process existed for migrants and persons with specific protection needs, including asylum-seekers and refugees. It stated that more efforts were required to proactively identify persons in need of international protection in order not to violate the non-refoulement principle.<sup>112</sup>

### III. Achievements, best practices, challenges and constraints

85. CRC acknowledged Antigua and Barbuda's challenges, namely the increasing debt burden and vulnerability to natural disasters, which impeded the full realization of children's rights.<sup>113</sup>

86. UNHCR noted the ad hoc national procedure to process asylum claims as a good practice that should be built upon and recommended that Antigua and Barbuda develop it further and provide information about its composition and activities.<sup>114</sup>

### IV. Key national priorities, initiatives and commitments

#### Specific recommendations for follow-up

87. In 2007, CERD requested Antigua and Barbuda to report, within one year, on the follow-up of CERD's recommendations on the establishment of a National Human Rights Institution; on statistical data; and on harmonization of domestic laws with the Convention.<sup>115</sup> No follow-up reply has been provided.

### V. Capacity-building and technical assistance

88. CRC recommended that Antigua and Barbuda seek technical assistance from UNICEF to develop a national action plan to implement the Convention;<sup>116</sup> from UNICEF and OHCHR to establish an independent National Human Rights Institution;<sup>117</sup> from UNICEF to develop a data collection and indicators' system;<sup>118</sup> from UNICEF and WHO to prevent child abuse and neglect;<sup>119</sup> from UNICEF and WHO to address problems faced by children with disabilities;<sup>120</sup> and from UNFPA, UNICEF and WHO regarding adolescent health issues<sup>121</sup>.

#### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to the Convention on CRPD
CED	International Convention for the Protection of All Persons from Enforced Disappearance.

- <sup>3</sup> Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.
- <sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- <sup>5</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- <sup>6</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
- <sup>7</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- <sup>8</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/ATG/CO/9), paras. 5 and 25.
- <sup>9</sup> Concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.247), para. 71.
- <sup>10</sup> UNESCO submission to the UPR on Antigua and Barbuda, para. 5.
- <sup>11</sup> UNHCR submission to the UPR on Antigua and Barbuda, p. 3.
- <sup>12</sup> CERD/C/ATG/CO/9, para. 23.
- <sup>13</sup> *Ibid.*, paras. 8 and 24.
- <sup>14</sup> UNHCR submission to the UPR on Antigua and Barbuda, pp. 1 and 3.
- <sup>15</sup> CERD/C/ATG/CO/9, paras. 11 and 20.
- <sup>16</sup> UNICEF submission to the UPR on Antigua and Barbuda, para.9. See also CRC/C/15/Add.247, para. 26.
- <sup>17</sup> CERD/C/ATG/CO/9, para. 16.
- <sup>18</sup> CRC/C/15/Add.247, paras. 11 and 32.

- <sup>19</sup> UNESCO submission to the UPR on Antigua and Barbuda, para. 2.
- <sup>20</sup> Ibid., para.1. See also CRC/C/15/Add.247, para. 3.
- <sup>21</sup> Situation Analysis of Children and Women in the Eastern Caribbean 2007, p.82, [http://www.unicef.org/barbados/spmapping/Implementation/SP%20Poverty/Regional/2007\\_cao\\_unic\\_efeco\\_sitan.pdf](http://www.unicef.org/barbados/spmapping/Implementation/SP%20Poverty/Regional/2007_cao_unic_efeco_sitan.pdf). See also CRC/C/15/Add.247, para. 65.
- <sup>22</sup> UNHCR submission to the UPR on Antigua and Barbuda, p. 2.
- <sup>23</sup> Ibid., pp. 1–2.
- <sup>24</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/16/77 of 3 February 2011, annex.
- <sup>25</sup> CERD/C/ATG/CO/9, para. 10.
- <sup>26</sup> CRC/C/15/Add.247, para. 17.
- <sup>27</sup> CRC/C/15/Add.247, para.5, 14 and 15. See also UNICEF submission to the UPR on Antigua and Barbuda, paras. 1 and 5.
- <sup>28</sup> UNICEF submission to the UPR on Antigua and Barbuda, para. 5.
- <sup>29</sup> Ibid., para. 1.
- <sup>30</sup> CRC/C/15/Add.247, paras. 13, 19 and 30.
- <sup>31</sup> UNICEF submission to the UPR on Antigua and Barbuda, paras. 1 and 6.
- <sup>32</sup> Ibid., para. 23.
- <sup>33</sup> CRC/C/15/Add.247, para. 50.
- <sup>34</sup> UNICEF submission to the UPR on Antigua and Barbuda, para. 21.
- <sup>35</sup> Ibid., para. 7.
- <sup>36</sup> CERD/C/ATG/CO/9, para. 14.
- <sup>37</sup> CRC/C/15/Add.247, para. 21.
- <sup>38</sup> UNICEF submission to the UPR on Antigua and Barbuda, para. 25.
- <sup>39</sup> Health in the Americas, 2007, Volume II - Countries, p. 22, <http://www.paho.org/hia/archivosvol2/paisesing/Antigua%20and%20Barbuda%20English.pdf> .
- <sup>40</sup> The following abbreviations have been used for this document:
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|-------|--|
| CERD  | Committee on the Elimination of Racial Discrimination        |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT   | Committee against Torture                                    |
| CRC   | Committee on the Rights of the Child.                        |
- <sup>41</sup> CERD/C/ATG/CO/9, para. 3.
- <sup>42</sup> Ibid., para. 27.
- <sup>43</sup> UNICEF submission to the UPR on Antigua and Barbuda, para. 8.
- <sup>44</sup> .The questionnaires referred to are those reflected in an official report by a special-procedure mandate holder issued between 1 January 2007 and 1 June 2011. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) A/HRC/6/15, para. 7; (b) A/HRC/7/6, annex; (c) A/HRC/7/8, para. 35; (d) A/HRC/8/10, para. 120, footnote 48; (e) A/62/301, paras. 27, 32, 38, 44 and 51; (f) A/HRC/10/16 and Corr.1, footnote 29; (g) A/HRC/11/6, annex; (h) A/HRC/11/8, para. 56; (i) A/HRC/11/9, para. 8, footnote 1; (j) A/HRC/12/21, para. 2, footnote 1; (k) A/HRC/12/23, para. 12; (l) A/HRC/12/31, para. 1, footnote 2; (m) A/HRC/13/22/Add.4; (n) A/HRC/13/30, para. 49; (o) A/HRC/13/42, annex I; (p) A/HRC/14/25, para. 6, footnote 1; (q) A/HRC/14/31, para. 5, footnote 2; (r) A/HRC/14/46/Add.1; (s) A/HRC/15/31/Add.1, para. 6 – for list of responding States, see <http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/ContributionsPSP.aspx>; (t) A/HRC/15/32, para. 5; (u) A/HRC/16/44/Add.3; (v) A/HRC/16/48/Add.3, para. 5 endnote 2; (w) A/HRC/16/51/ Add.4; (x) A/HRC/17/38, see annex I.
- <sup>45</sup> CERD/C/ATG/CO/9, para. 11.
- <sup>46</sup> CRC/C/15/Add.247, para.26. See also UNICEF submission to the UPR on Antigua and Barbuda, para. 9.
- <sup>47</sup> CRC/C/15/Add.247, para.26; UNICEF submission to the UPR on Antigua and Barbuda, para. 10.
- <sup>48</sup> CRC/C/15/Add.247, para. 27.
- <sup>49</sup> UNICEF submission to the UPR on Antigua and Barbuda, para. 13. See also CRC/C/15/Add.247, para. 47.
- <sup>50</sup> CRC/C/15/Add.247, paras. 47 and 64. See also UNICEF submission to the UPR on Antigua and

- Barbuda, para. 13.
- <sup>51</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2010, Geneva, doc. No. (ILOLEX) 092010ATG111, second paragraph.
- <sup>52</sup> *Ibid.*, first paragraph.
- <sup>53</sup> UNICEF submission to the UPR on Antigua and Barbuda, para. 26.
- <sup>54</sup> Economic and Social Council, Report of the Secretary-General on the capital punishment and implementation of safeguards guaranteeing protection the rights of those facing the death penalty, 18 December 2009 (E/2010/10), p. 64 and para.21; General Assembly, Sixty-fifth session, seventy-first plenary meeting, Official Records, A/65/PV.71, pp. 18–19.
- <sup>55</sup> Appraisal and Conclusions from the 1994-2009 Review of the Implementation of the Cairo Programme of Action in the Caribbean, 2010, pp. 25 and 27, <http://www.eclac.cl/publicaciones/xml/8/38938/W.318.pdf>.
- <sup>56</sup> CEDAW, *Official Records of the General Assembly, Fifty-second session, Supplement No.38 (A/52/38/Rev.1) Part Two*, para. 251.
- <sup>57</sup> Health in the Americas, 2007, Volume II - Countries, p. 21, <http://www.paho.org/hia/archivosvol2/paisesing/Antigua%20and%20Barbuda%20English.pdf>.
- <sup>58</sup> CRC/C/15/Add.247, para. 47; UNICEF submission to the UPR on Antigua and Barbuda, para. 13.
- <sup>59</sup> CRC/C/15/Add.247, para. 48.
- <sup>60</sup> CRC/C/15/Add.247, para.64. See also UNICEF submission to the UPR on Antigua and Barbuda, para. 13.
- <sup>61</sup> CRC/C/15/Add.247, paras. 64–65. See also UNICEF submission to the UPR on Antigua and Barbuda, para. 13.
- <sup>62</sup> A/52/38/Rev.1, Part Two, para. 253.
- <sup>63</sup> UNICEF submission to the UPR on Antigua and Barbuda, para. 14.
- <sup>64</sup> CRC/C/15/Add.247, para. 67.
- <sup>65</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182), 2011, Geneva, doc. No. (ILOLEX) 092011ATG182, thirteenth paragraph.
- <sup>66</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Forced Labour Convention, 1930 (No. 29), 2009, Geneva, doc. No. (ILOLEX) 092009ATG029, fourth paragraph.
- <sup>67</sup> CRC/C/15/Add.247, para.61. See also UNICEF submission to the UPR on Antigua and Barbuda, para. 16.
- <sup>68</sup> UNICEF submission to the UPR on Antigua and Barbuda, para. 16.
- <sup>69</sup> CRC/C/15/Add.247, para. 35; UNICEF submission to the UPR on Antigua and Barbuda, para. 12.
- <sup>70</sup> CRC/C/15/Add.247, para. 36.
- <sup>71</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Worst Forms of Child Labour Convention, 1999 (No.182), 2011, Geneva, doc. No. (ILOLEX) 092011ATG182, seventh paragraph.
- <sup>72</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Forced Labour Convention, 1930 (No. 29), 2009, Geneva, doc. No. (ILOLEX) 092009ATG029, first to third paragraphs.
- <sup>73</sup> CERD/C/ATG/CO/9, para. 20.
- <sup>74</sup> CRC/C/15/Add.247, para.68; UNICEF submission to the UPR on Antigua and Barbuda, para. 15.
- <sup>75</sup> CRC/C/15/Add.247, para. 69.
- <sup>76</sup> The Status of the HIV in the Caribbean, 2010, p.14, [http://www.unaids.org/en/media/unaids/contentassets/documents/countryreport/2010/2010\\_HIVInCaribbean\\_en.pdf](http://www.unaids.org/en/media/unaids/contentassets/documents/countryreport/2010/2010_HIVInCaribbean_en.pdf).
- <sup>77</sup> CRC/C/15/Add.247, paras. 33–34.
- <sup>78</sup> UNICEF submission to the UPR on Antigua and Barbuda, para. 11.
- <sup>79</sup> CRC/C/15/Add.247, paras. 41 and 43.
- <sup>80</sup> UNHCR submission to the UPR on Antigua and Barbuda, p. 3.
- <sup>81</sup> CERD/C/ATG/CO/9, para. 12.
- <sup>82</sup> *Ibid.*, para. 19.
- <sup>83</sup> A/52/38/Rev.1, Part Two, paras. 250 and 266.

- <sup>84</sup> UNICEF submission to the UPR on Antigua and Barbuda, para. 20.
- <sup>85</sup> A/52/38/Rev.1, Part Two, para. 255.
- <sup>86</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Minimum Age Convention, 1973 (No. 138), 2011, Geneva, doc. No. (ILOLEX) 062011ATG138, first paragraph.
- <sup>87</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2010, Geneva, doc. No. (ILOLEX) 062010ATG087, first paragraph.
- <sup>88</sup> CRC/C/15/Add.247, paras. 55–56.
- <sup>89</sup> Ibid., paras. 51–52.
- <sup>90</sup> UNICEF submission to the UPR on Antigua and Barbuda, paras. 17–18.
- <sup>91</sup> Health in the Americas, 2007, Volume II - Countries, p. 18,  
<http://www.paho.org/hia/archivosvol2/paisesing/Antigua%20and%20Barbuda%20English.pdf>.
- <sup>92</sup> A/52/38/Rev.1, Part Two, para. 260.
- <sup>93</sup> Ibid., para. 258.
- <sup>94</sup> Ibid., para. 259.
- <sup>95</sup> CRC/C/15/Add.247, paras. 53–54.
- <sup>96</sup> Health in the Americas, 2007, Volume II - Countries, pp. 20–21,  
<http://www.paho.org/hia/archivosvol2/paisesing/Antigua%20and%20Barbuda%20English.pdf>.
- <sup>97</sup> UNICEF submission to the UPR on Antigua and Barbuda, para. 18.
- <sup>98</sup> A/52/38/Rev.1, Part Two, para. 261.
- <sup>99</sup> CRC/C/15/Add.247, paras. 62–63.
- <sup>100</sup> Health in the Americas, 2007, Volume II - Countries, p. 17,  
<http://www.paho.org/hia/archivosvol2/paisesing/Antigua%20and%20Barbuda%20English.pdf>.
- <sup>101</sup> CRC/C/15/Add.247, paras. 57 and 59.
- <sup>102</sup> UNICEF submission to the UPR on Antigua and Barbuda, paras. 19 and 23.
- <sup>103</sup> CRC/C/15/Add.247, para. 59.
- <sup>104</sup> UNICEF submission to the UPR on Antigua and Barbuda, para. 19.
- <sup>105</sup> CERD/C/ATG/CO/9, para. 18.
- <sup>106</sup> UNICEF submission to the UPR on Antigua and Barbuda, para. 22.
- <sup>107</sup> CRC/C/15/Add.247, paras. 58–59.
- <sup>108</sup> A/52/38/Rev.1, Part Two, para. 254.
- <sup>109</sup> CRC/C/15/Add.247, para. 50.
- <sup>110</sup> UNICEF submission to the UPR on Antigua and Barbuda, para. 21.
- <sup>111</sup> CERD/C/ATG/CO/9, para. 15.
- <sup>112</sup> UNHCR submission to the UPR on Antigua and Barbuda, pp. 1–2.
- <sup>113</sup> CRC/C/15/Add.247, para. 9.
- <sup>114</sup> UNHCR submission to the UPR on Antigua and Barbuda, pp. 2–3.
- <sup>115</sup> CERD/C/ATG/CO/9, para. 30.
- <sup>116</sup> CRC/C/15/Add.247, para. 13.
- <sup>117</sup> Ibid., para. 17.
- <sup>118</sup> Ibid., para. 21.
- <sup>119</sup> Ibid., para. 48.
- <sup>120</sup> Ibid., para. 50.
- <sup>121</sup> Ibid., para. 54.
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